

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MERAKE MANAGEMENT, LLC,)	
)	
Plaintiff,)	2:23-CV-334
)	
v.)	
)	
ANDREW BERNARD CORONA, II,)	
)	
Defendant.)	

ORDER

Before the Court is Pro Se Defendant's motion to proceed *in forma pauperis* (ECF 1). Under 28 U.S.C. § 1915(e)(2), the Court must dismiss a case if it is frivolous or fails to state a claim on which relief may be granted. The Court finds that the claims and counterclaims here fail to state a claim because the Court lacks jurisdiction. Federal courts are courts of limited jurisdiction. Defendant removed the case based on federal counterclaims he asserted in an underlying state-court action. Because a counterclaim cannot create federal jurisdiction, removal is improper. *See Holmes Grp., Inc. v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 831 (2002) ("It follows that a counterclaim—which appears as part of the defendant's answer, not as part of the plaintiff's complaint—cannot serve as the basis for 'arising under' jurisdiction.").

For this reason, the Court **DENIES** the motion to proceed *in forma pauperis* and **ORDERS** the Clerk of Court to take all necessary action to remand this case to the Allegheny County Court of Common Pleas forthwith.

DATED this 3rd day of March, 2023.

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge